

REMARKS

Reconsideration of the application is respectfully requested in view of the amendments and the discussion presented below. The amendments are supported by the application as filed and no new matter has been added by any of the amendments.

Claims 1 and 7 are amended by adding the limitation "wherein the pit level represents a level of the optical beam reflected from the optical disk while the optical beam is forming a pit during the recording operation." Support for this limitation is found in the specification as filed at page 10, lines 12-15.

The specification is amended to correct obvious errors (see Figures 5A and 5B and the corresponding text in the specification of the application as filed).

Claims 1-4, 6, and 7 are now present in this application.

Discussion

1. Interviews with Examiner Gupta

Examiner Gupta is thanked for conducting interviews with the undersigned attorney on January 19 and 22, 2007. The interview summary (PTOL-413) mailed on January 29, 2007 concerning the first interview is believed to be an accurate summary of the result of the first interview. In the second interview, Examiner Gupta confirmed that she had conferred with her supervisor and said that he had agreed that the claims of this application might be allowable if the independent claims were amended to define the "pit level."

3. The Rejection of Claims 1, 4, 6, and 7 over Yanagawa in View of Furukawa

The Examiner rejected claims 1, 4, 6, and 7 under 35 U.S.C. 103(a) as being anticipated by U.S. Patent Publication 2001/0026522 to Yanagawa ("Yanagawa") in view of U.S Patent 6,643,230 to Furukawa ("Furukawa").

As amended, independent claim 1 includes the following limitations:

a detecting element configured to detect a pit level of the optical beam under the recording operation and at least one of a read level and a write level, wherein the pit level represents a level of the optical beam reflected from the optical disk while the optical beam is forming a pit during the recording operation; and

a calculation element configured to calculate a pit ratio indicating a ratio between the pit level and one of the read level, the write level, and a recording power and to output the pit ratio as a signal indicative of the level of the reflected-light.

As amended, independent claim 7 includes the following limitations:

detecting a pit level of the optical beam under the recording operation and at least one of a read level and a write level, wherein the pit level represents a level of the optical beam reflected from the optical disk while the optical beam is forming a pit during the recording operation; and

calculating a pit ratio indicating a ratio between the pit level and one of the read level, the write level, and a recording power and to output the pit ratio as a signal indicative of the level of the reflected-light.

The Examiner agreed in the interviews with the undersigned attorney that neither of the cited references teaches or suggests this subject matter and suggested that the claims be amended to define "pit level" so as to further point out and distinguish the invention. This has been done.

It is respectfully submitted that none of the cited references teaches or suggests at least the detection of a "pit level" as defined in the independent claims: "wherein the pit level represents a level of the optical beam reflected from the optical disk while the optical beam is forming a pit during the recording operation" as part of a "spherical aberration correction apparatus" (claim 1) or a "spherical aberration correcting method" (claim 7).

It is further submitted that Furukawa does not teach calculation of a pit ratio as claimed because the tracking servo gain measuring circuit 12 of Furukawa determines the ratio of the servo residual error value to the amplitude width of the disturbance signal itself, and the disturbance signal is not one of the read level, the write level, and a recording power.

The Examiner is also referred to the discussion on pages 9-12 of the amendment and response mailed on August 7, 2006 in this application, which was directed to the previous rejection over Yanagawa in view of Furukawa and further explained how the limitations of claim 5 (now incorporated into claims 1 and 7) were not taught or suggested by either Yanagawa and/or Furukawa.

The rejection of claims 1, 4, 6, and 7 as being obvious over Yanagawa in view of Furukawa should be withdrawn.

Conclusion

In view of the above, the Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue. The Examiner is respectfully invited to telephone the undersigned attorney as needed in order to advance the examination of this application.

* * *

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response

as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 22, 2007.

Trisha Lozano

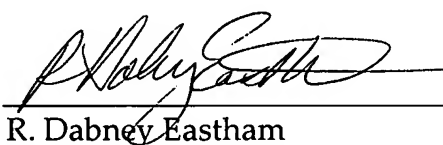
(Name of Person Transmitting)

(Signature)

February 22, 2007

(Date)

Respectfully submitted,



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